

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RENESHA TOMLIN,

Plaintiff,

v.

Civ. No. 24-1163 JB/GBW

STATE OF NEW MEXICO, *et al.*,

Defendants.

**ORDER FOR SUPPLEMENTAL REPLY**

THIS MATTER is before the Court on Plaintiff's Reply to Order to Show Cause and Motion for Alternative Service & Leave to Amend Complaint. *Doc. 30*. In their Motion to Dismiss, Defendants State of New Mexico, Michelle Lujan Grisham, Susana Martinez, Melory Harper, Andrea Gonzalez, Ana Fox, Nicole Mayer, Alysse Hodgins, Dana Oskins, and Brianna Chavez ("Defendants") argue that the Children, Youth, and Families Department ("CYFD") is not a party to this lawsuit, and therefore the claims that could be construed as against the CYFD should be dismissed. *See doc. 8* at 10-12. Defendants argue in the alternative that, if CYFD is a party, that the claims against it should be dismissed "because it was not served with process and Plaintiff's allegations against it fall outside the statute of limitations and fail to state a claim for which relief may be granted." *Id.* at 12. Noting this argument and attempting to "avoid unnecessary procedural disputes," Plaintiff moves for leave to amend her Civil Complaint (*doc.1-1*) and add CYFD as a defendant. *Doc. 30* at 3. Defendants object to

this relief, reincorporating the arguments made in their Motion to Dismiss (*doc. 8*). *Doc.* 32 at 1. Defendants argue, *inter alia*, that “[t]he statute of limitations on Plaintiff’s claims is long-expired, and any amendment to name CYFD as an additional defendant would therefore be futile.” *Id.* (citation omitted). The Court would benefit from additional briefing by Plaintiff addressing Defendants’ argument that the addition of the CYFD would be futile and will allow Plaintiff to submit additional briefing on the question.

IT IS THEREFORE ORDERED that Plaintiff may file a supplemental reply addressing Defendants’ argument regarding the futility of adding the CYFD as a defendant in this suit. Plaintiff’s supplemental reply shall be **no longer than five (5) pages** and be filed **no later than May 8, 2025**.



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GREGORY B. WORMUTH  
CHIEF UNITED STATES MAGISTRATE JUDGE